

CAUSE NO. DC-21-545

ISABEL MARROQUIN	§	IN THE DISTRICT COURT
	§	
V.	§	<u>381ST</u> JUDICIAL DISTRICT
	§	
WALMART, INC.	§	STARR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, ISABEL MARROQUIN, files this original petition against Defendant, WALMART, INC., and alleges as follows:

I. DISCOVERY-CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 1 of Texas Rule of Civil Procedure 190.2 and affirmatively pleads that this suit is governed by the expedited-actions process in Texas Rule of Civil Procedure 169.

II. CLAIM FOR RELIEF

2. As required by Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks only monetary relief aggregating \$250,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs. This is the lowest amount Plaintiff is allowed to designate as her claim for relief in the Texas Rules of Civil Procedure. However, Plaintiff stipulates that her damages do not exceed \$75,000.

III. PARTIES

3. Plaintiff, ISABEL MARROQUIN, is an individual residing in Starr County, Texas.
4. Defendant, WALMART, INC., a foreign limited liability company organized and existing under the laws of Delaware, whose principal office is located at 702 SW

EXHIBIT A

8th St, #555, Bentonville, Benton County, Arkansas, 72716, is authorized to do business in Texas and may be served with process by serving its registered agent for service of process, C T CORPORATION SYSTEM, at 1999 Bryan St. STE 900, Dallas, Dallas County, Texas, 75201.

IV. JURISDICTION

5. The Court has subject-matter jurisdiction over the lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional requirements.

V. VENUE

6. Venue is proper in Starr County, Texas, under Texas Civil Practice & Remedies Code § 15.002 because all or a substantial part of the events or omissions giving rise to the claim occurred in Starr County, Texas.

VI. FACTS

7. On or about October 16, 2021, Plaintiff entered the Wal-Mart Supercenter owned by Defendant and located at 4534 East US Highway 83, Rio Grande City, Texas 78582.
8. At the store, Plaintiff tripped on a rug that was on the floor at the entrance. The rug had several high points along its edges preventing it from lying completely flat, and allowing Plaintiff's foot to slip underneath the rug, causing her to trip and fall. There were no warning signs informing customers of the faulty rug.
9. As a result of the fall, Plaintiff suffered the damages described herein.

VII. CAUSE OF ACTION-PREMISES LIABILITY

10. Defendant was the owner of the premises of the Wal-Mart Supercenter located at 4534 East US Highway 83, Rio Grande City, Texas 78582.

11. Plaintiff entered Defendant's premises with Defendant's knowledge and for their mutual benefit. Plaintiff was a customer shopping at Defendant's retail store.
12. A condition on Defendant's premises, the rug, posed an unreasonable risk of harm.
13. Defendant knew or reasonably should have known of the condition of the premises because Defendant, or its agent, servant, or employee, actually caused the rug to be on the floor at the entrance.
14. Defendant had a duty to use ordinary care to ensure that the premises did not present a danger to Plaintiff. This duty includes the duty to inspect and the duty to warn or to cure. Defendant breached the duty of ordinary care by failing to warn of the presence of the faulty rug and/or failing to remove the faulty rug or replace the faulty rug with one that laid completely flat.
15. Defendant's breach of duty proximately caused injury to Plaintiff, which resulted in the following damages:
 - a. Physical pain and mental anguish in the past and future;
 - b. Medical expenses in the past and future; and
 - c. Physical impairment in the past and future;
16. Plaintiff seeks unliquidated damages within the jurisdictional limits of this Court.

VIII. JURY DEMAND

17. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

X. OBJECTION TO ASSOCIATE JUDGE

18. Plaintiff objects to the referral of this case to an associate judge for hearing a trial on the merits or presiding at a jury trial.

XI. PRAYER

19. For these reasons, Plaintiff asks that the Court issue citation for Defendant to appear and answer, and that Plaintiff be awarded a judgment against Defendant for the following:

- a. Actual damages.
- b. Prejudgment and Postjudgment interest.
- c. Court costs.
- d. All other relief to which Plaintiff is entitled.

Respectfully submitted,

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By: /s/ Jared Clark

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Associated Case Party: ISABEL MARROQUIN

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